

1995-96

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 69

WEDNESDAY, 20 NOVEMBER 1996

1 The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Cornwell) took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 DEATH OF MR T W W PYE

Mr Hird moved - That the Assembly expresses its deep regret at the death of former ACT Legislative Assembly and House of Assembly Member, Mr TWW (Bill) Pye, MBE and tenders its profound sympathy to his wife and his family in their bereavement.

Ms Follett and Mr Moore addressed the Assembly in support of the motion and all Members present having stood, in silence -

Question - passed.

3 PETITIONS

The Clerk announced that the following Members had lodged petitions for presentation:

Mr Hird, from 30 residents, requesting that the lease and development application for the community sporting facilities in McKellar be approved.

Ms McRae, from 1573 residents, requesting that the Assembly move that the Minister for Sport instruct the new management of the Civic Pool to dismount the dome over the summer months.

4 PETITION - OUT OF ORDER

Ms McRae, by leave, presented the following paper:

Petition which does not conform with standing orders - Civic pool dome (494 residents).

5 TRADING HOURS (AMENDMENT) BILL (NO. 2) 1996

Mr Osborne, pursuant to notice, presented a Bill for an Act to amend the *Trading Hours Act 1996*.

Paper: Mr Osborne presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Osborne moved - That this Bill be agreed to in principle.

Debate adjourned (Mr De Domenico - Minister for Business, Employment and Tourism) and the resumption of the debate made an order of the day for the next sitting.

6 ELECTORAL (AMENDMENT) BILL (NO. 2) 1996

Mr Moore, pursuant to notice, presented a Bill for an Act to amend the *Electoral Act 1992* and for related purposes.

Title read by Clerk.

Mr Moore moved - That this Bill be agreed to in principle.

Debate adjourned (Mr Humphries - Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

7 DISCHARGE OF ORDER OF THE DAY

Mr Moore, by leave, moved - That order of the day No. 21, private Members' business, relating to the Electoral (Amendment) Bill (No. 2) 1996 be discharged.

Question - put and passed.

8 SCHOOL BASED MANAGEMENT

Ms McRae, pursuant to notice, moved - That this Assembly asks the Minister for Education and Training to permit any school or college to phase in the introduction of School Based Management so that it is operative in all schools or colleges from term 2 in 1997 rather than the beginning of the 1997 school year.

Debate ensued.

Ms Horodny, by leave, moved the following amendment: Add the following new paragraph (2):

“(2) to table in the Assembly on the first sitting day of 1997 a thorough assessment of the equity implications of School Based Management, including the ability of schools to provide high standard support to students at risk.”.

Debate continued.

Question - That the amendment be agreed to - put.

The Assembly voted -

Ayes, 10

Noes, 7

Mr Berry	Mr Osborne	Mrs Carnell	Mr Kaine
Ms Follett	Ms Reilly	Mr Cornwell	Mr Stefaniak
Ms Horodny	Ms Tucker	Mr De Domenico	
Ms McRae	Mr Whitecross	Mr Hird	
Mr Moore	Mr Wood	Mr Humphries	

And so it was resolved in the affirmative.

Question proposed - That the motion, as amended, be agreed to -

Mr Moore moved - That the question be divided.

Debate ensued.

Speaker's ruling - Standing order 133: The Speaker ruled Mr Moore's motion was in order and that the matter be put to the Assembly.

Dissent from Speaker's ruling moved: Mr Berry, by leave, moved - That the Speaker's ruling be dissented from.

Mr Berry addressing the Assembly -

Closure: Mr Moore moved - That the question be now put.

Question - That the question be now put - put and passed.

And the question - That the Speaker's ruling be dissented from - being accordingly put -

The Assembly voted -

Ayes, 6

Noes, 11

Mr Berry	Mr Wood	Mrs Carnell	Mr Kaine
Ms Follett		Mr Cornwell	Mr Moore
Ms McRae		Mr De Domenico	Mr Osborne
Ms Reilly		Mr Hird	Mr Stefaniak
Mr Whitecross		Ms Horodny	Ms Tucker
		Mr Humphries	

And so it was negatived.

Question - That the question be divided - put and negatived.

Question - That the motion, as amended, be agreed to - put.

The Assembly voted -

Ayes, 8

Noes, 9

Mr Berry	Ms Tucker	Mrs Carnell	Mr Kaine
Ms Follett	Mr Whitecross	Mr Cornwell	Mr Moore
Ms Horodny	Mr Wood	Mr De Domenico	Mr Osborne
Ms McRae		Mr Hird	Mr Stefaniak
Ms Reilly		Mr Humphries	

And so it was negatived.

9 SCHOOL BASED MANAGEMENT - EQUITY IMPLICATIONS

Ms Tucker, by leave, moved - That the Assembly asks the Minister for Education and Training to table in the Assembly on the first sitting day of 1997 a thorough assessment of the equity implications of School Based Management, including the ability of schools to provide high standard support to students at risk.

Question - put and passed.

10 ACT POLICE COMMISSIONER

Mr Osborne, pursuant to notice, moved - That this Assembly:

- (1) reaffirms the recommendation of the Standing Committee on Legal Affairs, which was endorsed by this Assembly in 1995, regarding the Statutory appointment of an ACT Police Commissioner;
- (2) notes its disappointment that the Commonwealth Attorney-General, Mr Daryl Williams, MHR, does not support the implementation of this endorsed recommendation;
- (3) notes that the Commonwealth Attorney-General, as the Minister responsible for the Australian Federal Police, remains the Minister responsible for the policing of the Australian Capital Territory; and
- (4) requests the Chief Minister to write to the Commonwealth Attorney-General to:
 - (a) express the Assembly's disappointment in his decision to not support the establishment of an ACT Police Commissioner; and
 - (b) attend a meeting between himself and the Chief Minister, the Minister for Police and Emergency Services, and the Chair of the Standing Committee on Legal Affairs so that the position of the Commonwealth can be discussed, as well as issues of relevance to the ACT Budget.

Debate ensued.

Question - put and passed.

11 MINISTERIAL ARRANGEMENTS

Mr De Domenico (Deputy Chief Minister) informed the Assembly that, during the absence of Mrs Carnell (Chief Minister), questions which would normally have been asked of the Chief Minister could be directed to the Deputy Chief Minister.

12 QUESTIONS

Questions without notice being asked -

Paper: Mr De Domenico (Deputy Chief Minister) presented the following paper:

Auditor-General - Draft sections of report on financial statements audits with years ending to 30 June 1996 - Copy of letter from John A Parkinson, Auditor-General to Mrs Kate Carnell, MLA, Chief Minister.

Questions continued.

13 PAPER

The following paper was presented:

Territory Owned Corporations Act - ACTEW Corporation Limited - Report and financial statements, including the Auditor-General's report for 1995-96.

14 PRESENTATION OF PAPERS

The following papers were presented:

Miscellaneous papers

Annual Reports (Government Agencies) Act - Department of Education and Training and Children's, Youth and Family Services Bureau - Corrigendum to the 1995-96 Report.

Ministerial Travel Report - 1 July to 30 September 1996.

Revised administrative arrangements (*Gazette* S150, dated 1 July 1996).

Petitions - Out of order

Battery chickens - Ms Horodny (175 residents).

Revivalist Centre - Chisholm - Ms Horodny (400 residents).

15 MATTER OF PUBLIC IMPORTANCE - DISCUSSION - ARTS FUNDING

The Assembly was informed that Mr Wood had proposed that a matter of public importance be submitted to the Assembly for discussion, namely, "The need to maintain public confidence in the funding of arts and for consultation if changes are proposed."

Discussion ensued.

Ms Tucker, by leave, was granted an extension of time.

Discussion concluded.

16 MANUKA CARPARK - STATEMENT BY MINISTER

Mr Humphries (Minister for the Environment, Land and Planning), by leave, made a statement concerning timing on development of the Manuka carpark.

17 SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE - REPORT NO. 16 OF 1996 - STATEMENT BY CHAIR

Ms Follett (Chair) presented the following report:

Scrutiny of Bills and Subordinate Legislation - Standing Committee - Report No. 16 of 1996, dated 2 October 1996 -

and, by leave, made a statement with reference to the report.

18 SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE - SCRUTINY OF NATIONAL SCHEMES OF LEGISLATION - POSITION PAPER - STATEMENT BY MEMBER - MOTION TO TAKE NOTE OF PAPER

Ms Follett (Chair), by leave, presented the following paper:

Scrutiny of Bills and Subordinate Legislation - Standing Committee -

Scrutiny of National Schemes of Legislation - Position paper, prepared by the Working Party of Representatives of Scrutiny of Legislation Committees throughout Australia, dated October 1996 -

and, by leave, made a statement with reference to the paper.

Ms Follett, by leave, moved - That the Assembly takes note of the paper.

Debate adjourned (Mr Humphries - Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

19 PUBLIC ACCOUNTS - STANDING COMMITTEE - REPORT NO. 21 - REVIEW OF AUDITOR-GENERAL'S REPORT NUMBER 3, 1996 - VMO CONTRACTS - REPORT NOTED

Mr Wood (Chair) presented the following report:

Public Accounts - Standing Committee - Report No. 21 - Review of Auditor-General's Report Number 3, 1996 - VMO Contracts, dated November 1996 -

and moved - That the report be noted.

Question - put and passed.

20 PUBLIC ACCOUNTS - STANDING COMMITTEE - REPORT NO. 22 - REVIEW OF AUDITOR-GENERAL'S REPORT NUMBER 7, 1996 - ANNUAL MANAGEMENT REPORT FOR THE YEAR ENDED 30 JUNE 1996 - REPORT NOTED

Mr Wood (Chair) presented the following report:

Public Accounts - Standing Committee - Report No. 22 - Review of Auditor-General's Report Number 7, 1996 - Annual Management Report for the Year ended 30 June 1996, dated 6 November 1996 -

and moved - That the report be noted.

Question - put and passed.

21 EXECUTIVE BUSINESS - PRECEDENCE

Mr Humphries (Manager of Government Business), pursuant to temporary order 77 (d), moved - That Executive business be called on.

Question - put and passed.

22 LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL (NO. 2) 1996

The order of the day having been read for the resumption of the debate on the question - That this Bill be agreed to in principle -

Debate resumed.

Question - That this Bill be agreed to in principle - put and passed.

Leave granted to dispense with the detail stage.

Question - That this Bill be agreed to - put and passed.

23 PUBLIC TRUSTEE (AMENDMENT) BILL 1996

The order of the day having been read for the resumption of the debate on the question - That this Bill be agreed to in principle -

Debate resumed.

Question - That this Bill be agreed to in principle - put and passed.

Leave granted to dispense with the detail stage.

Question - That this Bill be agreed to - put and passed.

24 CREMATION (AMENDMENT) BILL 1996

The order of the day having been read for the resumption of the debate on the question - That this Bill be agreed to in principle -

Debate resumed.

Question - That this Bill be agreed to in principle - put and passed.

Leave granted to dispense with the detail stage.

Question - That this Bill be agreed to - put and passed.

25 WITNESS PROTECTION BILL 1996

The order of the day having been read for the resumption of the debate on the question - That this Bill be agreed to in principle -

Debate resumed.

Question - That this Bill be agreed to in principle - put and passed.

Leave granted to dispense with the detail stage.

Question - That this Bill be agreed to - put and passed.

26 ADJOURNMENT

Mr Humphries (Manager of Government Business) moved - That the Assembly do now adjourn.

Debate ensued.

Paper: Mrs Carnell (Minister for Health and Community Care) presented the following paper:

Michelle's Homecare & Nursing Agency - Letter to Mrs Kate Carnell, Chief Minister, from Christine Roberson and Jane Christensen, Directors, Michelle's Homecare & Nursing Agency, dated 20 November 1996, together with 6 attachments.

Question - put and passed.

And then the Assembly, at 5.06 p.m., adjourned until tomorrow at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting.

M.J. McRAE
Clerk of the Legislative Assembly